



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,274	01/30/2002	Joe Teixeira	19176.0031	2651

23517 7590 11/02/2005

SWIDLER BERLIN LLP  
3000 K STREET, NW  
BOX IP  
WASHINGTON, DC 20007

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,274

Applicant(s)

TEIXEIRA, JOE

Examiner

Rasha S. AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on August 22, 2005 has been entered. Claim 1 has been amended. No claims have been canceled. Claim 10 has been added. Claims 1-10 are now pending in this application, with claim 1 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US PAT # 6,301,351) in view of Hard et al. (US PAT # 6,265,842).

Regarding claim 1, King teaches a method of provisioning telecommunications services provided by competitive entities within a central office (central office 100, Fig. 6), comprising the steps of: providing a cross connect switch (the cross connect switch is 120, Fig. 6 and col. 4, line 14); providing a main distribution frame (DF 108, Fig. 6 and col. 4, lines 10-17) for coupling a plurality of subscriber terminals (telephones in Fig. 6) to the central office (100 in Fig. 6); coupling the cross connect switch (120, Fig. 6) to the main distribution frame (DF 108, see col. 4, lines 9-19 and Fig. 6), a telecommunications switch within a central office and at least two separately controlled

pieces of service provider equipment (connector jack 110 and purchasing LEC interface 104), each piece of equipment having multiple ports coupled to the cross connect switch (this is inherent, only one port is shown in Fig. 6); providing a remote server (the remote server reads on the purchasing LEC switch 130, which controls transferring the service, see col. 4, lines 5-7, lines 33-38 and 50-63) for creating interconnections between a specified port of one piece of service provider equipment and a specified port of another piece of service provider equipment.

King does not specifically teach automating a cross connect switch that is capable of being controlled remotely.

However, Hard teaches an automatically and remotely controlled cross-connection switch (see abstract, col. 26, lines 32-37 and col. 32, lines 27-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having automatically and remotely controlling the cross-connect, as taught by Hard, into the King system in order to provide speed and convenience. In addition, examiner takes official notice that automatically and remotely controlling a switch is old and well known in the art. Also, a function can be preformed either automatically (by the system) or manually (by the user). See *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958); the court

Art Unit: 2642

held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient over prior art.

Claim 10 is rejected for the same reasons as discussed above with respect to claim 1. Claim 10 reads on the scenario of disconnecting from one port and establishing a connection to another port as needed.

4. Claims 2-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Hard and further in view of Renucci et al (US PAT # 6,512,762).

Regarding claim 2, neither King nor Hard alone or in combination teach that each piece of service provider equipment comprises a DSLAM.

However, Renucci teaches DSLAM 26, which communicates data packets between data switch 24 and IAD 30 using DSL technology (see col. 6, lines 50-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using a digital subscriber line access multiplexer (26 DSLAM), as taught by Renucci, into the combination of King and Hard in order to provide faster data transmission.

Art Unit: 2642

Regarding claim 3, Renucci teaches the DSLAM provides SDSL service (see col. 6, lines 55-59).

Regarding claim 4, Renucci teaches the DSLAM provides ADSL service (see col. 6, lines 55-58).

Regarding claim 6, Renucci teaches the DSLAM provides HDSL service (see col. 6, lines 55-59).

Claims 7-8 recite "the DSLAM provides VoDSL and SHDSL services". Renucci teaches providing other forms of DSL technology, such as HDSL, VDSL, SDSL, and ADSL. Thus, having the DSLAM providing VoDSL and SHDSL would have been obvious and well known in the art, since using different forms of DSL technology will add versatility.

Regarding claim 9, Renucci teaches the DSLAM provides VDSL service (see col. 6, lines 55-60).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable King in view of Hard, in view of Renucci and further in view of Voit et al (US PAT # 6,829,250).

Regarding claim 5, neither King nor Hard nor Renucci alone or in combination teach the DSLAM provides ADSL service over a shared line".

However, Voit teaches the use of an ATU-R type ADSL modem 203. This 203 modem modulates the upstream data and transmits appropriate signals over the line 300.sub.1 or 300.sub.2 to the corresponding modem 113.sub.1 or 113.sub.2 in the CO 100 (FIG. 14). The ATU-R interface may support bridging, such that multiple users can share the ADSL modem 203, for two-way data communication through the CO 100 (see col. 3, lines 55-58 and Figs. 14 and 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of sharing ADSL line among users, as taught by Voit, into the combination of King, Hard, and Renucci because sharing is economical.

### ***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Remarks***

7. It is noted on the first page of the amendment that applicant listed the serial number 10/058/274, which has the title of CLEC To CLEC Service Provisioning. However, on pages 2-5 of the proposed amendment the header lists a different serial number.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Posner et al. (US PAT # 4,807,280) teaches a cross connect switch for automating the function of a main distribution frame (see col. 1, lines 5-8).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



Art Unit: 2642


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Examiner**  
**Rasha S. Al-Aubaidi**  
**Art Unit 2642**  
**10/27/2005**

  
**WILLIAM J. DEANE, JR.**  
**PRIMARY EXAMINER**